

DEC 17 2004

Attorney's Docket No.: 11059-002001 / PH679US

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Ikuo Matsui et al.  
Serial No. : 09/369,735  
Filed : August 6, 1999  
Title : METHODS FOR MAKING AND USING A THERMOPHILIC ENZYME AS A  
BETA-GLYCOSIDASE (AMENDED)

Art Unit : 1652  
Examiner : Monshipouri, Maryam

*Fee Purpose  
Only*

**MAIL STOP AF**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

NOTICE OF APPEAL

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the action dated June 18, 2004, finally rejecting claims 8-11, 14-24, 28, 30 and 31.

If a petition for an extension of time under 37 CFR §1.136 to extend the time to respond to the final rejection for 3 month(s) to and including December 18, 2004 is needed, this paper is to be considered such petition.

- ☒ The Commissioner is hereby authorized to charge \$1410.00, including \$500 for the appeal fee and \$910 for the extension of time (\$1020 for three-month extension - \$110 previously paid) or any other fees that may be due in connection with this and the attached papers, or with this application during its entire pendency to or to credit any overpayment to Deposit Account No. 06-1050. A duplicate copy of this Notice of Appeal is enclosed.

Respectfully submitted,

Date: 12/17/04

Fish & Richardson P.C.  
12390 El Camino Real  
San Diego, California 92130  
Telephone: (858) 678-5070  
Facsimile: (858) 678-5099

*Dale L. Rieger*  
Dale L. Rieger  
Reg. No. 43,045

01/03/2005 GTRAMEL 00000004 061050 09369735

01 FC:1401 10467232.doc  
02 FC:1253 300.00 DA  
910.00 DA

## CERTIFICATE OF TRANSMISSION BY FACSIMILE

I hereby certify that this correspondence is being transmitted by facsimile to the Patent and Trademark Office on the date indicated below.

December 17, 2004  
Date of Transmission  
*Dale L. Rieger*  
Signature

Dale L. Rieger  
Typed or Printed Name of Person Signing Certificate